



General Data Protection Regulations (GDPR) Policy

December 2022

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NOCTON PARK MANAGEMENT LTD

Helping to make Nocton Park a better community!

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Nocton Park Management Ltd will hereinto be known in this policy as 'NPML'

1. INTRODUCTION

- i. NPML holds personal data of property owners in Nocton Park as part of its commercial activity and asset security and to support it's work for the shareholders of NPML and the Nocton Park community and intends to be open and transparent in its handling of that information while ensuring its security.
- ii. The data held relates to property owners, external stakeholders of the community of Nocton Park.
- iii. NPML is committed to their privacy, safety and security of their personal data. To meet that commitment, NPML follows the guidelines set out under General Data Protection Regulations 2018 (GDPR).
- iv. NPML collects only that personal data in which it has a legitimate interest (ref GDPR Article 6(1)(f)). This includes the personal data necessary to meet our legal and business obligations and to ensure good practice in service delivery.
- v. The purpose of this policy is to ensure that:
 - Only sufficient, essential personal data is collected, used and stored
 - The collection, use and storage of personal data is conducted safely and securely
 - Data owners understand the nature, purpose and extent of data held
 - The rights of data owners are fully understood and upheld
 - NPML's obligations in the collection, use and storage of data are fully understood and met by all stakeholders

2. SCOPE OF THE POLICY

- i. This policy covers the collection, processing, and secure storage of personal data and sets out the protocols for ensuring that the rights of data owners are upheld.
- ii. It specifies the steps to be taken by NPML to ensure that Board Directors and Managing Agents involved in the management and delivery of the service understand their obligations in relation to data handling and the procedures to be followed to ensure that personal data remains pertinent and secure.
- iii. It outlines the steps to be taken in the event of any data breach and includes the guidelines for policy review.
- iv. The policy is to be used in conjunction with the NPML'S *RETENTION AND DISPOSAL OF DOCUMENTS AND DATA POLICY*.



- v. NPML considers its legitimate interest to be restricted to the personal data that is essential for:
- The proper record of NPML's interest in properties in Nocton Park and the property owners /or lease owners
 - The administration of the NPML statutory responsibilities
 - The safe, fair and legal deployment and management of volunteers
 - The safe, fair and legal administration of records of Directors of NPML
- vi. Procedures for the safe and secure collection and storage of data are based on a risk assessment undertaken by the Managing Agent. This policy sets out the procedures to be followed by NPML Directors and Managing Agent when collecting, processing and storing data and in the event of any data breach.

3. DATA PROTECTION MANAGEMENT AND RESPONSIBILITY

- i. The Board of Directors are ultimately responsible for the protection of any data it holds including any personal data belonging to the community of Nocton Park or it's stakeholders.
- ii. The Managing Agent will manage the day to day responsibility of the management of the protection of all data that NPML holds. This will include the administration of this policy and ensuring any data that the NPML hold, manages or uses is kept secure.
- iii. In regard to breaches, the Managing Agent, in consultation with the Board of Directors (or in emergency or urgent situations with just the Chair of the Board of Directors), will determine if any reporting to the ICO is required.
- iv. The Managing Agent will ensure that notes are made to ensure that any data management or breach review is able to managed effectively.
- v. The Managing Agent will also ensure that any training provision offered or sought by the Board of Directors.

4. DATA SUBJECTS' RIGHTS / CONSENTS & ACCESS

- i. The completion of a purchase or sale of a property to which NPML has a legal and contractual interest through the covenant secured on the property (as registered with Land Registry), implies consent to the collection and use of the personal data of the owner of such property.
- ii. To ensure their full understanding, data subjects will also be informed about why their personal data is necessary to the NPML and how it is kept secure through this policy which will be published on the NPML website.



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iii. The rights of data subjects are laid out in the GDPR. The following table sets out data subjects' rights and their reasonable expectations:

DATA SUBJECTS' RIGHTS	EXPECTATIONS
The right to be informed	You have the right to know what information is collected about you, why we need it and what we do with it. The information we collect is restricted to what is provided by you or your authorised agent in your property purchase or sale form. Information about why your personal data is collected and how it is used is included in this policy.
The right of access	This gives you the right to see the personal information that NPML holds about you. Your request should be submitted in writing to the Managing Agent and we may take up to one month to respond. From time to time, occasions may arise where it is not possible to allow you access. In this case we must give you an explanation for our decision.
The right to rectification	This means that you have the right to ask NPML to rectify any incorrect or incomplete data that we hold about you. Your request should be given in writing to the Managing Agent and it may take us up to one month to make the rectifications. In the event that it is not possible for us to rectify the information, we must give you the reasons for this.
The right to erasure	You may wish to ask NPML to erase all the personal data we hold about you. Your request should be made in writing to the Managing Agent and we may take up to one month. There may be occasions where it is not possible to comply with your request and, in this event, we must give you the reasons.
The right to restrict processing	This means that, under certain circumstances, you are able to limit the ways in which NPML handles or uses your personal data. Your written request should be made in writing to the Managing Agent and it may take up to one month to comply with your request. If it is not possible to comply with your request, we must give you the reasons for this.
The right to data portability	You may wish to transfer the personal data you have given NPML safely and securely to another service.
The right to object	You have the right to object to the data held by NPML being used in certain ways. You have the absolute right to object to direct marketing.
The right not to be subject to automated decision-making or profiling	NPML does not use automated decision-making or profiling processes.

iii. To exercise their rights, individuals should make a written request to the Managing Agent. NPML may take up to one month to respond to or comply with any written request. There may be circumstances under which it is not possible to comply with a particular request. In such an event, NPML must give the reasons for this.



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5. DIRECTOR AND MANAGING AGENT COMPLIANCE

- i. Directors and the Managing Agent must understand their obligations regarding the use of personal data. To ensure that all understand their obligations and the procedures to be used in data handling:
 - All Directors and the Managing Agent should read the this Policy and Procedures
 - The Managing Agent should be completely aware of the GDPR requirements and be able to advise the Board appropriately
 - Newly appointed Directors who are not completely aware of their legal responsibility should request guidance from the Managing Agent or an external data protection provider

6. DATA SHARING

- i. The legitimate interests of NPML may require the transfer of some personal data to authorities or professional advisors for specific purposes. NPML does not routinely share the personal data of the community with any party unless either compelled by law or with the permission of the data owner.
- ii. Personal data is never shared externally without the knowledge and permission of the data subject unless it is in regard to enforcing the contractual benefit of NPML against property owners in Nocton Park who have failed to meet their obligations to NPML.
- iii. The Board of Directors and the Managing Agent may share personal data of individuals internally in NPML commercial and operational activities but at times the data will be kept secure and within this policy and other NPML policies.

iv. **Routine Sharing of Personal Data**

There is no routine sharing of personal data to external parties outside NPML's sphere of control.

v. **Sharing images**

- No images may be used without the written permission of those individuals shown.
- Individuals may not be identified by name unless permission is granted but the individual.
- Individuals' consent to the use of images for the purposes stated is renewed annually.



iv. **Sharing information with NPML**

Any personal detail that is shared with NPML by a member of the community of Nocton or an external stakeholder is done with the knowledge of this policy

v. **Exceptions**

Circumstances may arise which override the protocols for data sharing set out above. These may include circumstances where there are concerns for the safety of the data subject. Whilst personal data is never shared without the knowledge of the data subject, it may be shared without their consent if there is a legal requirement to do so for safeguarding purposes.

7. DATA PROCESSING

- i. The data collected in relation to owners of properties to which NPML has a contractual interest through the registered Covenant enables NPML to meet its legal commitments to the shareholders of NPML.
- ii. The data collected and processed will be done in such a way that required for the business administration of NPML, is secure and is done in a professional service delivery manner

ii. **Processing Director and Managing Agent Data**

- a) Personal information is collected for the purposes of efficient administration and safe service delivery. This inevitably involves essential personal information for effective communication of statutory requirements.
- b) The Managing Agent will update personal data of Directors and themselves as required.
- c) Electronic records are usually created and stored by the Managing Agent.
- d) Any paper-based records containing personal data are stored securely with the Managing Agent but should be scanned into the NPML cloud storage as soon as practicable.
- e) Access to Director information is restricted to the Managing Agent where necessary.

iv. **Processing Property Owner personal data**

- a) Only data that is essential for effective management of NPML and for the contractual interests that NPML have in properties in Nocton Park is collected



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- b) In the case of community projects who are funded by NPML, data is shared with the funding body as required. Data sharing protocols provided by individual funding bodies are strictly followed.
- c) Access to the data is accessed only by the Managing Agent and Board of Directors. The only exception is by legal order or criminal investigation as detailed under the exception as described in the Data Protection Act 1998

8. DATA SECURITY

- i. It is the responsibility of the Managing Agent to ensure that all data held by NPML is secure, meets this and other NPML policy guidelines as well as any statutory requirements.
- ii. Paper-based documents are stored in the filing cabinets in the Managing Agent's office or with the Board of Directors. As much as possible all paper based records and documents must be scanned and saved into the NPML cloud storage with the original document destroyed.
- iii. The Managing Agent will ensure any hard documents they hold are held securely.
- iv. Any documentation held in the Managing Agents office must also kept securely. The office is kept secure by a lock with keys only held by the Managing Agent.
- v. Electronic data is stored with the Managing Agent who must ensure it is secure and transferred to the NPML cloud storage as soon as practicable.
- vi. Legitimate transfer of personal data to other agencies or professional advisors is undertaken only when the NPML is satisfied that their transfer systems are secure and their data protection policies are GDPR compliant.
- vii. Personal information is not transmitted by email unless it is considered secure and encrypted.

9. DISPOSAL OF DATA

- i. Data is retained only whilst it is needed.
- ii. The Data held is reviewed annually and any personal data that is no longer needed is destroyed at that point.
- iii. Electronic files are kept by the Managing Agent or Director on their personal devices are deleted after being transferred to the NPML cloud storage. The deletion of the records must be done to a manner to which they are such the information is properly destroyed as much as possible.
- iv. Paper-based documents are shredded using a cross shredder.
- v. Records of the type of information is kept for data audits if needed.



10. PROCEDURES TO BE FOLLOWED IN THE EVENT OF DATA BREACH

- i. In the event of any data breach, the Managing Agent must be informed immediately and will then take steps to ensure that any risks to individuals are minimised.
- ii. The Managing Agent will inform the Chair of the Board of Directors initially and then to the Full Board of NPML as soon as practicable.
- iii. The Managing Agent will recommend to the Board if they feel the Information Commissioner's Office (ICO) should be informed.
- iv. The Managing Agent will lead an investigation to identify what information has been breached and the implications for individual or groups of data owners. In the situation where the Managing Agent is the source of the data breach, the Board will decide who is the best person to investigate the data breach.
- v. The Managing Agent will inform all data owners of the breach and assess the implications for them.
- vi. The Managing Agent will take steps to retrieve any lost data, will review the security of the data held and make any recommendations to the Board as a result.

11. REVIEW AFTER DATA BREACH

- i. Any data breach may trigger early policy review and a review of Risk Assessment.
 - Under what circumstances did the data breach occur?
 - Whose data has been compromised?
 - Does the Information Commissioner's Office (ICO) need to be informed?
 - How and when were the data subjects informed?
 - What are the implications of the data breach for the data subject(s)?
 - What steps have been taken to address such implications?
 - What was the cause of the data breach and was there any malicious intent?
 - Were the electronic or filing systems compromised and have they since been made secure?
 - What steps have been taken to reinstate confidence in data security?
 - What are the implications for the future risk management?
 - What actions need to be taken to minimise the risks of further data breach?
 - What resources will be required to support the actions needed?
- ii. The policy review may be triggered following any data breach or statutory changes.



12. POLICY REVIEW

- i. Policy review is undertaken at least every three years (unless statutory guidelines or legislation changes) and will normally be undertaken by the Managing Agent
- ii. Review of the policy includes review of the data held and why, and applicable risk assessments and of the policies and systems used by NPML in transfers personal data.
- iii. The policy will be reviewed against its key purposes:
 - Is the data held still sufficient and essential for the efficient running of NMPL?
 - Is the data collected still processed and stored safely and securely?
 - Does NPML still comply with data protection regulations?
 - Is the Board still satisfied with the Data Protection policies and the security of the systems used by those stakeholders with which data is shared?
 - Do all Directors and the Managing Agent still understand the policy and their obligations with regard to the safety and privacy of personal data?
 - Are there any training needs?
- iv. The Policy Review includes an annual review of the range and nature of data collected and the purpose for which it is required.
 - Is the data audit still accurate and complete?
 - Is NPML documentation still appropriate for the collection of data?
 - What personal data needs to be destroyed?
 - Has notice been given to all about the NPML storage of data?

13. SPECIFIC POLICY REQUIREMENTS

- i. NPML must be registered with the ICO.
- ii. A copy of this policy will be available on NPML's website.
- iii. Any decisions made by the Board of Directors should consider implications under this policy.
- iv. The Managing Agent's Service Contract core responsibilities will be reviewed annually (or when the contract is renewed) to ensure responsibilities relating to data protection are included. The Board will decide if any additional funding is required.
- v. An information audit should be conducted and reviewed at least every three years or when projects and services change.



14. GENERAL INFORMATION

- i. One of the greatest challenges currently facing organisations is compliance with the EU's General Data Protection Regulation (GDPR). Because NPML collects and processes personal data belonging to EU citizens, we need to be compliant with the GDPR.
- ii. **What is GDPR?**
 - a) GDPR stands for General Data Protection Regulation. The General Data Protection Regulation 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union and the European Economic Area. It also addresses the export of personal data outside the EU and EEA areas.
 - b) The United Kingdom Government have kept the same regulations after they left the European Union in 2021.
 - c) The regulation was made by the European Parliament and the Council of the European Union on 14 April 2016 and implemented from 25 May 2018. It replaces the Data Protection Directive.
 - d) The GDPR applies to processing carried out by organisations operating within the EU. It also applies to organisations outside the EU that offer goods or services to individuals in the EU.
 - e) The GDPR does not apply to certain activities including processing covered by the Law Enforcement Directive, processing for national security purposes and processing carried out by individuals purely for personal/household activities.
- iii. **What is the Information Commissioner's Office?**
 - a) The Information Commissioner's Office (ICO) is an executive non-departmental public body, sponsored by the [Department for Digital, Culture, Media & Sport](#).
 - b) The Information Commissioner's Office (ICO) upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The ICO is an independent body responsible for enforcing the data protection legislation in the UK.
 - c) The ICO provides information, checklists and publications to support organisations in handling information well. It also provides training activities. More information about the ICO can be found on its website: [Information Commissioner's Office - GOV.UK](https://www.gov.uk) <https://www.gov.uk> › Organisations › Information Commissioner's Office



iv. Who's who in data protection?

- a) The GDPR identifies data controllers, data processors and data subjects. It also refers specifically to personal data.
- b) The data subject is the person whose personal data is being held and used.
- c) The term 'Personal data' refers to any information that would help to identify an Individual either directly (such as a name/ID number) or indirectly, particularly when it is used in conjunction with other information such as a date of birth/address/distinguishing feature.
- d) The data controller is the organisation or person who determines what personal data is needed and the purposes and means of processing that data. The data controller is responsible for ensuring that processors comply with the GDPR.
- e) A data processor is the person responsible for processing personal data on behalf of a controller. The GDPR places specific legal obligations on data processors for example, the requirement to maintain records of personal data and processing activities. The data processor has legal liability if responsible for a breach.
- f) In this instance, the Board of Directors are the data controller and carries ultimate responsibility. The Managing Agent is the data processor.

v. What does it mean that the NPML has a 'legitimate interest' in personal data?

- a) Legitimate interest (ref GDPR Article 6(1)(f) gives NPML a lawful basis for processing personal data where "processing is necessary for the purposes of the legitimate interests pursued by the organisation or a third party." There is an exception to this where the interests of the organisation may be "overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child" (ICO 2018)